

SENATE BILL REPORT

SSB 5627

As Passed Senate, February 28, 2023

Title: An act relating to salaries for county commissioners and councilmembers.

Brief Description: Concerning salaries for county commissioners and councilmembers.

Sponsors: Senate Committee on Local Government, Land Use & Tribal Affairs (originally sponsored by Senator Hunt).

Brief History:

Committee Activity: Local Government, Land Use & Tribal Affairs: 2/09/23, 2/16/23 [DPS].

Floor Activity: Passed Senate: 2/28/23, 48-0.

Brief Summary of First Substitute Bill

- Amends the process for noncharter counties to increase or decrease county commissioner salaries.

SENATE COMMITTEE ON LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS

Majority Report: That Substitute Senate Bill No. 5627 be substituted therefor, and the substitute bill do pass.

Signed by Senators Lovelett, Chair; Salomon, Vice Chair; Torres, Ranking Member; Kauffman and Short.

Staff: Maggie Douglas (786-7279)

Background: Salaries of county commissioners and councilmembers may be set by salary commissions established by ordinance or by resolution of the county legislative authority. Six members are selected at random by the county auditor from the list of registered voters

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in the district. The remaining four members are appointed by the county executive or commissioner, or by a majority vote of the county legislative authority and must have experience in the field of personnel management, including members representing each of the following four sectors in the county: business, professional personnel management, legal profession, and organized labor.

Salary commission members may not be appointed to more than two terms. City and county officers, officials, and employees and their immediate family members are not eligible to serve on the salary commissions. Salary commission members may be removed during their terms only for incapacity, incompetence, neglect of duty, malfeasance in office, or a disqualifying change of residence.

Salary changes determined by the local salary commission are filed and become effective and incorporated into the budget without further action. Salary increases may be effective during the term of office, but salary decreases become effective during the subsequent term.

Decisions of the local salary commissions are subject to referendum in the same manner as an ordinance upon filing a petition within 30 days. If a valid referendum petition is filed, any challenged salary changes do not become effective until approved by the voters at the next general or municipal election occurring at least 30 days after the petition is filed.

Local salary commission decisions to fix salaries supersede other provisions of state statute or local ordinances related to municipal budgets or salaries for local officials.

Current salaries established under an ordinance or charter provision substantially complying with the salary commission requirements remain in effect unless and until changed according to the new requirements.

Summary of First Substitute Bill: For noncharter counties, the county auditor must select at least one commission member living in each commissioner's district, and must establish policies and procedures for conducting the selection by lot.

Policies and procedures must include, but not be limited to:

- the manner for notifying persons selected by lot;
- providing a new selection from a commissioner's district if a person selected from the district declines appointment to the commission; or
- the process for filling a vacancy, if, following the person's appointment, the person's position on the commission becomes vacant before the end of the person's term of office.

Additional commission members may be appointed by majority vote of the county legislative authority. Commission members must be residents of the county and must have experience in the field of personnel management or a related field. The number of salary commission members selected by lot must constitute the majority of commission members.

Salary commissions in existence prior to the effective date of an increase in the number of board of county commissioners from three to five may retain their composition for one year after the start of the terms of the newly created county commissioner positions, or until changed in accordance with this act, whichever occurs first.

Salary increases and decreases are subject to referendum petition by the people of the county upon filing a petition with the county auditor within 30 days after filing of the salary schedule.

For a charter county, the petition must be subject to referendum in accordance with the county charter.

For a noncharter county, the petition must be subject to referendum as follows:

- within ten days of the date of the petition:
 1. the county auditor or their designee must confer with the petitioner concerning form and style of the petition, and issue an identification number for the petition;
 2. the prosecuting attorney must write a ballot title for the measure;
 3. the petitioner must be notified of the identification number and ballot title;
- after notification has been provided to the petitioner within this 10-day period, the petitioner has 30 days to:
 1. secure on petition forms the signatures of not less than 15 percent of the registered voters of the county at the last general election;
 2. file the signed petitions with the county auditor;
 3. each petition form must contain the ballot title and full text of the measure to be referred; and
- the county auditor must verify the sufficiency of the signatures on the petitions, and determine the validity of the referendum petition:
 1. if the county auditor determines the number of verified signatures is insufficient, or the referendum petition is invalid, the salary change takes effect on the date specified for the salary change filed by the commission in accordance with this act.

Referendum measures must be submitted to the voters of the county at the next general or municipal election occurring after signatures are verified by the county auditor and after the filing deadline established by statute. If the filing deadline for the following general or municipal election has passed, the legislative authority of the county may call for a special election on the first election date provided by statute.

If the referendum is approved by affirmative vote, the salary change takes effect on the date specified for the salary change filed by the commission, and is incorporated into the county budget without further action of the county legislative authority or salary commission.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Current law lacks clarity for noncharter counties that go from three to five county commissioners. This bill clarifies the timeline and process for how district-based salary commission expands in parallel with the county commission to five members. This bill adds detail to the section regarding the referendum process for salary commission decisions. In current law there was no guidance for noncharter counties to conduct a referendum. This bill adds flexibility for counties by setting a minimum requirement for committee composition. This bill will provide solutions for Thurston County and Spokane County given that they have recently elected to go from three to five county commissioners. This bill is a work in progress and should be amended to clarify the appointment of committee members by the Board of County Commissioners and parallel the referendum timelines with vote by mail deadlines.

Persons Testifying: PRO: Senator Sam Hunt, Prime Sponsor; Carolina Mejia; Vicky Dalton, Spokane County Auditor.

Persons Signed In To Testify But Not Testifying: No one.